

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHAEL L. JACKSON, #308858,

Plaintiff,

Case No. 10-cv-12225

v.

Honorable Marianne O. Battani

BAY COUNTY PROSECUTOR,

Defendant(s).

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ORDER DENYING PLAINTIFF'S REQUESTS TO FOREGO FILING FEES

Pending before the Court are Plaintiff's "Letters," filed on July 22, 2010, and July 28, 2010. (Dkt. ## 8 & 9.) In those Letters, Plaintiff asks that the Court forego one of his filing fees. Plaintiff filed two *pro se* civil rights complaints under 42 U.S.C. § 1983 in the Western District. *Jackson v. Bay County Prosecutor's Office*, No. 10-cv-00494 and *Jackson v. Patterson*, No. 10-cv-0093. Because both cases involved allegations that occurred in this District, the Western District transferred the cases. The cases were then docketed and assigned to different judges in this District.

In *Jackson v. Bay County Prosecutor's Office*, No. 10-cv-12225, assigned to the undersigned, Plaintiff alleged that he was maliciously prosecuted and falsely imprisoned. The Court dismissed that case for failure to state a claim under *Heck v. Humphrey*, 512 U.S. 477 (1994).

In *Jackson v. Patterson*, No. 10-cv-12222, which was assigned to The Honorable John Corbett O'Meara, Plaintiff alleged that he was subject to an illegal search and seizure, malicious prosecution, and false allegations, resulting in his false imprisonment. Judge O'Meara

dismissed that case under *Heck*.

Because the allegations differed in each complaint, Plaintiff was subject to the assessment of the filing fees under 28 U.S.C. § 1915(a). Had Plaintiff not filed two separate actions with the Court, he would not have been subjected to the two filing fees. This is an unfortunate situation for Plaintiff.

With that in mind, however, Plaintiff's request is **DENIED**. Plaintiff is responsible for the filing fees assessed in both of his civil rights complaints.

SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

Dated: September 8, 2010

CERTIFICATE OF SERVICE

I hereby certify that on the above date a copy of this Order was served upon the Plaintiff via ordinary U.S. Mail and/or electronically.

s/Bernadette M. Thebolt
Case Manager